

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

YAN YAN,

No. 4:16-CV-02559

Plaintiff,

(Judge Brann)

v.

(Magistrate Judge Schwab)

THE PENNSYLVANIA STATE  
UNIVERSITY,

PENN STATE UNIVERSITY AT  
UNIVERSITY PARK, and

THE HERSHEY MEDICAL SCHOOL,

Defendants.

**ORDER**

**NOVEMBER 29, 2018**

1. On December 29, 2016, Plaintiff filed a complaint against Defendants.
2. On June 5, 2018, Defendants moved to dismiss that complaint.
3. On June 27, 2018, Defendants moved to have Plaintiff declared a vexatious litigant and to have Plaintiff enjoined from future filings against them.
4. On September 27, 2018, Chief Magistrate Judge Susan E. Schwab recommended granting Defendant's motion to dismiss. Objections to this

Report and Recommendation were due on October 11, 2018, but none were filed.

5. On November 9, 2018, Chief Magistrate Judge Schwab recommended granting Defendants' motion to have Plaintiff declared a vexatious litigant and to have Plaintiff enjoined from future filings against them. Objections to this Report and Recommendation were due on November 23, 2018, but none were filed.
6. This Court has reviewed both of Chief Magistrate Judge Schwab's Report and Recommendations, finds "no clear error on the face of the record,"<sup>1</sup> and agrees with their reasoning and recommendation.
7. Therefore, **IT IS HEREBY ORDERED THAT:**
  - a. Chief Magistrate Judge Schwab's September 27, 2018 Report and Recommendation, ECF No. 17, is **ADOPTED IN ITS ENTIRETY** and Plaintiff's Complaint, ECF No. 1, is **DISMISSED WITH PREJUDICE**.
  - b. Chief Magistrate Judge Schwab's November 9, 2018 Report and Recommendation, ECF No. 18, is **ADOPTED IN ITS ENTIRETY** as follows:
    - i. Plaintiff Yan Yan **IS DECLARED** a vexatious litigant;

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<sup>1</sup> *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010).

- ii. Ms. Yan **SHALL NOT** file any future claims against the Pennsylvania State University or its related entities without leave of this Court;
  - iii. To obtain leave of this Court, Ms. Yan **SHALL SHOW** that her claims are not meritless and are not based on facts that have already been litigated;
  - iv. If Ms. Yan makes any misrepresentations as to the merits of future claims or as to whether those claims have already been litigated, Ms. Yan **SHALL BE** held in contempt of court.
8. The Clerk of Court is directed to close this case.

BY THE COURT:

*s/ Matthew W. Brann*  
Matthew W. Brann  
United States District Judge